

The Historical Journal, 41, 4 (1998), pp. 917–934 Printed in the United Kingdom
© 1998 Cambridge University Press

SIR FRANCIS HASTINGS AND THE RELIGIOUS EDUCATION OF JAMES VI AND I*

DIANA NEWTON

ABSTRACT. *This article contends that the confrontation between Sir Francis Hastings and the new king of England, in the winter of 1604–5, was of far more lasting significance in determining King James's religious policy than the Hampton Court Conference, which had left many grievances of the most dogmatic and zealous Calvinists largely unresolved. The showdown was prompted by James's apparent leniency towards Catholicism and his role in the peace process with Spain. James emerged from the encounter as a king of real political ability who turned the episode to his advantage; using the opportunity to 'tackle' the Catholic threat and 'subdue' the nonconforming puritan ministers whilst also endeavouring to energize local government. Thereafter, he was able to defuse religious friction for much of the rest of his reign.*

I

In the first years of his reign as king of England, James Stuart, already an experienced king of Scotland, set the tone for the whole of his reign. Nowhere is this more apparent than in religious policy. And nothing better illuminates this dimension than the clash between Sir Francis Hastings and the new king which culminated in the winter of 1604–5. James experienced a profound shock when it was brought to his attention that his handling of religion was unsettling some of his new subjects. His ill-preparedness for the task ahead of him when he ascended the throne of England meant that he failed to appreciate that the messages he sent to both his Catholic and his more zealous Protestant subjects were misconstrued. His close involvement in making peace with Spain and the archdukes, given his lack of understanding of England's deep-seated hostility towards Catholic Spain, led to worries about his intentions towards English Catholics. When he prompted the crack-down on nonconforming puritan ministers he further compounded his problems. Worst of all, though, was his apparent obliviousness to the accumulation of trouble. The waspish comments of Matthew Hutton, archbishop of York, on the pretensions of the Catholics appeared to make little impression on James and it was up to Sir Francis

* I am very grateful to Dr Jenny Wormald, Professor Conrad Russell, and Dr Kenneth Fincham for reading and commenting on this article. Shortened versions have been read to the Tudor and Stuart Seminar at the Institute of Historical Research, to the Early Modern British Seminar at Merton College, Oxford, and to the Research Seminar at the Department of Scottish History, University of Edinburgh.

Hastings to put James straight.¹ Recent verdicts on the events of 1604–5, as ‘a knee-jerk reaction [by the king] to fears of a radical presbyterian plot’ and ‘an unfortunate aberration’² are mistaken. They represent an over-simplification which fails to acknowledge its crucial part in the education of the king of England. It was certainly a more important experience than the Hampton Court Conference, which has been given greater significance than it deserved. They also ignore its conjunction with Catholic activity. Instead, those events might better be seen as providing the opportunity for James to demonstrate to his new subjects that he was a formidable king when he needed to be.

In his efforts to establish his title to the English throne James had been forced to enter into a series of tortuous negotiations with foreign rulers from across the religious spectrum and may have left some awkward hostages to fortune. Elizabeth Tudor’s failure to nominate him as her heir had driven him to make these overtures, while her virtual interdict on communications between her ministers and the Scots meant that James had only an imperfect understanding of the country he would be required to rule.³ The irksome consequences of this were brought home to him when, once safely upon the English throne, his most immediate problem concerned the rival claims for favour of expectant Catholics and puritans. The Catholics were still smarting from their rough handling by an authority which had doubted their loyalty during the recent war against Spain, and the puritans were determined that the pending peace with Spain, and the revision of the canons of the church, should neither prejudice men of tender conscience nor give the Catholics anything to crow about. The convergence of trouble from both religious flanks, before he was fully prepared to deal with it, was to be a major test for James.

The coincidence of tightening the degree of conformity to the canons agreed at the Hampton Court Conference in January 1604 with the conclusion of the negotiations for peace with Spain and the archdukes fuelled the anxieties of godly members of parliament and senior gentry who were already uneasy about the treaty, which they feared might contain clauses which were favourable to the Catholics. They were further concerned that, as well as improving conditions for the Catholics, the king might have promised stricter action against the more extreme Calvinists in order to facilitate the smooth completion of peace. Their suspicions that they were losing their grip were clearly demonstrated by the experience of the member of parliament for Somerset, Sir Francis Hastings, long-time representative of the old guard Elizabethan Calvinists. His much older brother was Henry, the third earl of Huntingdon, whom he both admired and emulated. According to his biographer, the earl’s importance ‘lies first and foremost in that he furnished a pattern to the Protestant peers’, and Sir Francis assiduously modelled himself

¹ Hutton to Cecil, 18 Dec. 1604: Public Record Office (PRO), SP14/10/64.

² Susan Holland, ‘Archbishop Abbot and the problem of “puritanism”’, *Historical Journal*, 37 (1994), pp. 23–43, at p. 24.

³ Elizabeth’s efforts to avoid discussion of the succession were enshrined in an act of parliament, 23 Eliz. c. 2. The so-called ‘Statute of Silence’.

upon him to such effect that he was described as something of an *alter ego* of his brother.⁴ He was rabidly hostile to popery, taking every opportunity to confront and confound Catholics. In his capacity as justice of the peace he exhorted Secretary of State Walsingham to ensure that their 'viprous brode' be 'narrowly sifted, and sharply censured,' in order that 'the lande may be rid of suche unprofitable members (or rather monsters)'.⁵ Following at least 200 years of family tradition he was returned as a member of parliament, serving in every session but one from 1571, where he gained considerable parliamentary expertise, which he used tirelessly both to defend Protestantism and to attack Roman Catholicism.⁶ He never abandoned his belief that reform of the church could come through parliamentary action and that he should be instrumental in bringing it about.

Sir Francis's abortive attempts to see Sir Robert Cecil, both during and after the 1604 session of parliament, presumably to air his concerns, no doubt fuelled his fears that not only was he losing his influence as a spokesman on religious affairs but also that policy was being developed without him and he was in danger of being marginalized altogether. Notwithstanding Sir Francis's apprehension, however, parliament was anxious to nip Catholic pretensions firmly in the bud. Moreover, despite his fears that his role as a trusted servant of the crown with particular authority in religious matters might be in jeopardy, Sir Francis had been successful in urging the Commons to establish a select committee to consider 'the confirmation and re-establishment of religion, maintenance of a learned ministry and whatever else may bring furtherance thereunto'.⁷ On the other hand, the concerns of the godly, especially in the aftermath of James's first parliamentary session in England, were not entirely unjustified. Despite an act against Jesuits, seminary priests and recusants ultimately issuing from it, the 1604 session of parliament had not been altogether satisfactory for those of tender conscience and their cause. The more zealous Calvinist ministers who were refusing to subscribe to the 1604 canons were facing the increasing wrath of the king and suspension from their livings. The growing demands for a high commission, ostensibly to deal with the audacity of the Catholics, but which was viewed by the puritans as being equally hostile to them, added to their consternation. Meanwhile, it was emerging that James's attitude towards Catholicism was continuing to be cause for concern among the Scottish Presbyterians, which anxiety was reflected in their godly brethren in England.

Immediately before parliament had assembled, in March 1604, the 'seminaries' of Wigan expressed their expectations that 'after so many fair promises by our soveran the king ... some littel gale of kingly favor, woulde

⁴ Claire Cross, *The puritan earl: the life of Henry Hastings third earl of Huntingdon, 1536-1595* (London, 1966), pp. xiii, xvi.

⁵ Sir Francis Hastings to Sir Francis Walsingham, 8 Apr. 1582, Henry E. Huntington Library, San Marino, Hastings correspondence, HA 5086, printed in Claire Cross, ed., *The letters of Sir Francis Hastings, 1574-1609* (Somerset Record Society, 66, 1969), pp. 22-4.

⁶ See, Cross, *Hastings letters*, pp. xxv-xxviii.

⁷ *Journals of the House of Commons (CJ)*, 1547-1714 (117 vols., London, 1803-63), I, p. 172.

have blowne upon our distressed and weather beaten sales'. James's speech, at the opening of parliament, containing assurances to rationalize the laws against recusants, while reassuring the Catholics, dismayed the puritan members and confirmed their growing suspicions about the king's religious intentions.⁸ They countered by delivering their grievances at the first opportunity. In addition to those included in the motion brought by Sir Robert Wroth at the beginning of the session, Sir Edward Montagu introduced three religious grievances from his county of Northamptonshire. The second of these concerned their misgivings about 'the suspension of grave, learned and sober minded Ministers for not observing certain ceremonies long time by many disused'. Accordingly, a committee was set up to consider the matter, which included Sir Francis Hastings.⁹

It seemed to the puritans that legislation against the Catholics was regarded by James and his government as less urgent than that designed to harry the puritan ministry. Given the amount of attention devoted to it, the business of enforcing the canons seemed to be of far greater concern than the proper subjugation of the arrogant and brazen Catholics.¹⁰ The proceedings had begun on 12 April when James issued a licence to convocation to meet 'during this present parliament' to confer about such canons and other matters as they saw fit for the 'good and quiet of the church, and the better government thereof ... to be fulfilled and kept' by them in their respective courts. It went on to give them authority to confer about those matters as the king 'from tyme to tyme shall deliver or cause to be delivered' to convocation, and to cause all canons and such like to be delivered to the king 'to the end that wee upon mature consideracon by us to bee taken thereupon maye allowe ... or disallow ... such and so manye of the said canons ... as wee shall thinke fitt'.¹¹ Given that the question of commissary courts was one of the grievances introduced by the committee for religious matters in the Commons it was no surprise that convocation met with resistance from the House. Moreover, it appeared to the Commons that they were regarded as of little account as far as ecclesiastical matters were concerned, or not deemed competent to handle religious affairs without guidance (or interference, as they construed it) from other quarters.¹²

⁸ PRO, SP14/6/94; *CJ*, I, p. 144.

⁹ *CJ*, I, p. 172.

¹⁰ The Spanish ambassador believed that a toleration to English Catholics might be a possible condition for peace between England and Spain. See Albert J. Loomie, 'Toleration and diplomacy: the religious issue in Anglo-Spanish relations, 1603–1605', *Transactions of the American Philosophical Society*, n.s. 53, pt 6 (1963), pp. 23, 25, 27. It was probably no coincidence, also, that as soon as 'further precautions taken for protecting British merchants against the Inquisition' were 'arranged in all particulars' by the commissioners for the peace with Spain a bill against the Catholics was placed on the statute book the very next day. 'A Diary of the proceedings of the treaty ... of Mr. Wm Pierpont', Historical Manuscripts Commission (HMC), *Eighth report, earl of Jersey MSS*, p. 97: sixteenth meeting of the commissioners for peace, 4 July 1604; A. Luders, ed., *The statutes of the realme* (11 vols., London, 1810–18), IV, 2, pp. 1020–2.

¹¹ Patent Rolls, 2 James I, part 25, printed in G. W. Prothero, ed., *Select statutes and constitutional documents illustrative of the reigns of Elizabeth and James I* (Oxford, 1894), pp. 417–19.

¹² For the continued struggle between parliament and convocation see Conrad Russell, 'Whose supremacy? King, parliament and the church, 1530–1640', *Lambeth Palace Library Annual Review* (1995), pp. 52–64.

It was little wonder that the principal spokesmen on religious matters in parliament felt driven to approach the king by means of a petition, early the following year, when it seemed that the parliamentary process was failing them.

As proceedings for peace with Spain and the archdukes reached the point when the fortunes of the United Provinces and of England's continued support for the Dutch were under discussion, the concerns of those members of tender conscience were thrown into sharp relief. The struggle of the godly ministers at home appeared to be inextricably linked with the potential vulnerability of their co-religionists in the Low Countries, should the English peace commissioners be persuaded to abandon them in their pursuit of favourable terms. Accordingly, the Commons introduced a motion for the Speaker to inform the king of their commitment to preserve the rights and privileges of the Dutch. Within five days, a petition, iterating their desire for the king to 'abrogate or moderate' action against the nonconforming ministers, also had been devised. It was agreed that Sir Francis should deliver it to the king.¹³ As Sir Francis had the same day replied to Sir George Home's inquiry about whether the parliament could be persuaded to vote a fresh subsidy to the king, advising him not to demand one in this session because the last one was not yet collected, and refusal on the part of the House might cause offence, James could be forgiven for viewing him with vexation.¹⁴ It was not altogether surprising that Cecil should be anxious to distance himself from him in the coming weeks, despite Sir Francis's frequent attempts to gain an interview with him. His appeal to Cecil to 'let no sinister report against me possess credit with you' suggests a dawning realization that he might have over-stepped the mark.¹⁵ In all, his performance in the 1604 session of parliament did not augur well for Sir Francis. His ill-judged association with the petition submitted by the gentlemen of Northamptonshire the following February, on behalf of the ministers deprived for failing to subscribe to the 1604 canons by the 30 November deadline, threatened to damage his standing with James still further.

II

The Northamptonshire petition was the culmination of a campaign on behalf of the deprived ministers which began after the close of James's first parliamentary session and lasted throughout the winter of 1604-5.¹⁶ This was despite James's insistence that the matter of comprehensive and unanimous conformity to the established forms of worship was settled. In his proclamation

¹³ Nicolo Molin to doge and senate, c. 9 June 1604, *Calendar of state papers relating to English affairs in the archives of Venice* (38 vols., London, 1864-1940), x, pp. 157-9; *CJ*, 1, p. 238.

¹⁴ HMC, *Salisbury MSS*, xvi, pp. 132-3.

¹⁵ HMC, *Salisbury MSS*, xvi, p. 172, also, printed, without comment, in Cross, *Hastings letters*, p. 87.

¹⁶ For this petitioning campaign see B. W. Quintrell, 'The royal hunt and the puritans, 1604-1605', *Journal of Ecclesiastical History*, 30 (1980), pp. 41-58.

of the previous July he stated that he had, at the earliest opportunity, looked to settling the affairs of the church and that there had been every chance at the conference held at Hampton Court for the expression of contrary opinions and reservations. When the matter had been reopened in parliament, he maintained that he had further explained the position to everyone's satisfaction. Even when he had agreed to discuss outstanding misgivings with a number of puritan divines at Hinchinbrooke at the beginning of December – which was probably the first time that the king had come face to face with those holding more extreme Calvinist convictions – he insisted that, come what may, the deprivation of nonconforming ministers would follow.¹⁷

The Northamptonshire petition was different from previous appeals to the king in several respects. While most of the other petitions had been directed to Cecil, this one was presently directly to the king, thereby introducing the business to his attention after he had declared he wanted no further involvement in the matter. He had said he would not call another parliament until the religious question was concluded, once and for all, with full subscription, by all ministers, to the canons confirmed in the previous session of parliament. The timing of the Northamptonshire petition, taking advantage of James's return to London for the ceremony to further prorogue parliament, looked like wilful disobedience to the king's will.¹⁸ Emphasizing the quasi-parliamentary nature of the petition, its leading signatories included several members of parliament, two of whom were chairmen of important religious committees with substantial membership in common. Sir Edward Montagu had been responsible for the introduction of the religious grievances into the last session of parliament while the membership of a select committee to discuss the issue included not only Sir Edward Montagu but also Sir Richard and Sir Valentine Knightley, who were also signatories of the petition. The setting up of the committee was the work of Sir Francis Hastings who, though not a Northamptonshire gentleman, was rather surprisingly associated with their petition. Sir Francis was neither one of those requested by the Northamptonshire gentry to present the petition to the king nor was his among the signatures on the petition. Yet he had apparently been responsible for drawing it up, and he was also present at its presentation. It was this association of prominent members of parliament with the petition which served initially to vex James.

James's dismay was increased as he realized the calibre and connections of the chief signatories of the petition. It is possible to identify the leading petitioners, for, in addition to the petition, there also survives a letter from the gentlemen of Northampton to Sir Edward Montagu, Sir Richard Knightley,

¹⁷ J. L. Larkin and P. L. Hughes, eds., *Stuart royal proclamations* (2 vols., Oxford, 1973), 1, pp. 87–90: *A Proclamation enjoining conformitie to the form of service of God now established, 16 July 1604*. For an account of James's meeting at Hinchinbrooke on 1 Dec. 1604 see Quintrell, 'Royal hunt', pp. 47–8.

¹⁸ Larkin and Hughes, *Proclamations*, 1, pp. 103–4: *A proclamation for the proroguing of parliament to February 1605, 24 December 1604; CJ*, 1, p. 256.

and Sir Valentine Knightley, recommending them 'for the oportunitie you have beinge nowe in London ... to present to his most gracious highnes ... our most humble supplication in the behalf of us and our distressed ministers'. The signatures on the letter correspond exactly to those on the petition save for the addition of the recipients of the letter together with Sir William Lane, Sir Euseby Andrews, and Sir William Stafford, indicating that they were deemed the foremost county representatives.¹⁹ They were a closely related group of gentlemen. Sir Euseby Andrews was Sir Richard Knightley's son-in-law, while Sir Euseby's brother-in-law was Sir William Lane. They were also an important group who wielded considerable local influence, both in representing or returning sympathetic members to parliament and in dominating the commission of the peace. In addition, Sir Richard Knightley and Sir Edward Montagu were particularly active deputy lieutenants during the lieutenancy of Sir Christopher Hatton, at the end of the previous century, who had become accustomed to acting with an unusual degree of latitude during the long periods of absence necessitated by Hatton's court obligations. Sir Richard Knightley was a long-time pillar of the puritan movement in his county. In the 1570s, as part of the earl of Leicester's circle, he had been responsible for pioneering the employment of lay patronage to create a puritan group in Northamptonshire. The Daventry branch of the Classis movement was composed largely of his protégés and he had given a temporary home to the presses on which the Marprelate tracts had been printed. More recently his sphere of influence had extended into concerns of a more national nature, when one of his protégés was one of the local representatives at an 'alternative conference', comprising those puritans deemed too radical to meet the king at Hampton Court.²⁰

James was more alarmed by the presence among the petitioners of Sir Edward Montagu. His personal chaplain and dean of the Chapel Royal was Sir Edward's brother, James, while another brother, Henry, was the recorder of London. More tenuously, the association of Sir Edward Montagu and Sir Robert Wroth – who had been responsible for jointly introducing a number of religious grievances at the beginning of the recent parliamentary session – further emphasized the calibre of those at the centre of the current dissonance, for Sir Robert's eldest son had only recently married into the Sidney family, and both were friendly with Cecil.²¹ Thus the petitioners and their associates had connections who were at the very heart of James's court and capital, and it was this factor which underlined a crucial distinction between the Northamptonshire petition and its predecessors. It also emphasized a vital difference between the ministers facing deprivation in England for their failure

¹⁹ PRO, SP14/12/69; PRO, SP14/12/69i.

²⁰ W. J. Sheils, *The puritans in the diocese of Peterborough, 1558–1610* (Northampton Record Society, 30, 1979), pp. 26, 37–8, 52, 59, 78–9; for the private, and larger, assembly of puritan ministers see P. Collinson, *The Elizabethan puritan movement* (London, 1967), p. 456.

²¹ For the working relationship between Wroth and Cecil see Nicholas Tyacke, 'Wroth, Cecil and the parliamentary session of 1604', *Bulletin of the Institute of Historical Research*, 50 (1977), pp. 120–25.

to submit to the canons of 1604 and those ministers in Scotland who had faced the loss of their stipends for resisting subscription to the test oath which pledged obedience to the 'Black Acts', enacted in the aftermath of the Ruthven Raid in 1584. With their ultra-Protestant hopes apparently dashed, the failed Ruthven Raiders and the extreme Presbyterian Melvillian ministers had retired to England. The recalcitrant ministers had appeared to have the support of the exiled Scottish nobles only for as long as it suited their purposes, however, suggesting that the alliance between the two exiled groups was one of convenience – on the nobles' part, at least – to be abandoned when the ministers were of no further use to them.²² By contrast, the English ministers appeared to have the unequivocal support of influential elements at the top of English society, both at court and in the country. Given that James had experience of a kirk which had recognized the potential value of noble influence but had failed to secure sufficient noble support, he could be forgiven for taking a dim view of the apparent success of the godly in England in finding powerful sponsors.²³

III

It was the presence of Sir Francis Hastings among the Northamptonshire petitioners which most disturbed the king. He was the brother of two earls of Huntingdon and great-uncle of the current earl, a minor, who had succeeded to the earldom a little over a month before. He was well known for his diligent work on behalf of his family's interests throughout his life, and this indefatigable family loyalty, when combined with religious zeal, was a volatile combination. Sir Francis was poised to play a significant role in the impending showdown between those of tender conscience and the king, which was looming early in 1605. Meanwhile, the growing power struggle in the Hastings's heartland was threatening further to complicate matters as the family's hegemony had begun to wither after the death of the third earl in 1595.²⁴ Relations between Sir Francis and the fourth earl, George, deteriorated as his position as trusted family agent came into question.²⁵ And fears that Sir Francis might emerge as the controlling influence over Henry, the fifth earl, who succeeded late in 1604, proved groundless as, in reality, Sir Francis seemed to be feeling his authority was being eroded at several levels. In the 1601 county election to parliament Earl George had supported his nephew, Sir Henry Hastings, rather than his brother against the Grays' candidate. Sir Henry's 'rise' coincided with Sir

²² Alan R. MacDonald, 'The subscription crisis and church-state relations, 1584–86', *Records of the Scottish Church History Society*, 25 (1994), pp. 250–1; James Melville, *The autobiography and diary of James Melville* (Wodrow Society, Edinburgh, 1846), pp. 225, 228.

²³ Jenny Wormald, '"Princes" and the regions in the Scottish Reformation', in Norman MacDougall, ed., *Church, politics and society: Scotland, 1408–1929* (Edinburgh, 1983).

²⁴ Richard Cust, 'Purveyance and politics in Jacobean Leicestershire', in P. Fleming and A. J. Gross, eds. *Regionalism and revision: English provincial society, 1250–1650* (forthcoming). I am grateful to Dr Cust for sending me a copy of this.

²⁵ For example, Henry Huntington Library, Hastings correspondence, HA 5100, Sir Francis Hastings to Dorothy, fourth countess of Huntingdon, Dec. 1598.

Francis's 'fall' and although Sir Henry was amongst the signatories on a Leicestershire petition on behalf of their nonconforming clergy, Sir Francis's was not. In an attempt to bolster his diminishing influence in local affairs Sir Francis appears to have made overtures to the town of Leicester. However, initial successes were, by June 1604, collapsing. On 11 June it was noted that Sir Francis 'had muche to say againste the Corporacion for abuses of the fee farm gift in not imploying the same to the uses intended or mencioned in our petition for the same.' And on 16 June the mayor of Leicester lamented Sir Francis's 'unkynd speeches towardes our Corporacon who thinke very hardlye that he shoulde oppose himselfe ageinst us in any thinge consideringe how well he was satisfied'.²⁶ That this was coincident with Cecil repudiating him and ignoring his pleas for support no doubt contributed to Sir Francis's consternation.

This growing sense of isolation might help to explain Sir Francis's connection with the Northamptonshire petition, for his conspicuous involvement in that county's business was something of a puzzle. With no clear justification he had attached himself to a cause which did not legitimately concern him, by drawing up the petition and then using it as an opportunity to appeal directly and personally to the king on behalf of the disaffected element among the staunch Calvinists. More significantly, it was a means to express his concerns about the swaggering Catholics and James's seeming approbation of them. It is even possible that Sir Francis initiated the Northamptonshire petition for that very purpose. On the other hand, Sir Francis was a parliamentary ally of Sir Edward Montagu and the Knightleys, having worked closely with them in the recent session of parliament to air their religious grievances. What is certain is that his willingness to risk inviting the king's censure for interfering in the affairs of another county was a measure of his concern about the future of devout Calvinism.

As one of the leading Commons representatives on the English commission for the proposed union between England and Scotland, Sir Francis was bound to meet the Scottish union commissioners when they were in London, if not from 20 October 1604 when the commissioners from both countries met regularly, then certainly when the 'Articles of a Proposed Union Between England and Scotland, A.D. 1604' were signed at the beginning of December. He cannot have failed to discover that his own misgivings about the future of strict Calvinism and the presumption of the Catholics, at home, were replicated in Scotland.²⁷ It seemed to Sir Francis that James was as culpable of misconstruing the religious sentiments of his Scottish as well as his English subjects and he must be apprised of the fact. The imminent arrival of the

²⁶ Leicestershire County Record Office, Hall papers, BR 11/18/8, fo. 506; Loose letters, BR 11/5/97.

²⁷ The synod of Aberdeen were particularly anxious for a general assembly and they specifically targeted the Catholic earl of Huntly, 'quo vexed thame with his proud Poperie', Melville, *Diary*, pp. 561–4, 565; William Scot, *An apologetical naratioune of the state and government of the kirk of Scotland since the Reformation* (Wodrow Society, Edinburgh, 1846), p. 28; David Calderwood, *The history of the kirk of Scotland* (Wodrow Society, Edinburgh, 1845), pp. 268–9.

Catholic earl of Huntly at the English court no doubt added to Sir Francis Hastings's resolution to confront the king with his concerns.

The issue of a High Commission for Causes Ecclesiastical, on 9 February 1605, given its regard to the order and discipline of the church, may also have stirred godly fears that the state was determined to employ every device and agency at its disposal to enforce obedience to the form of the Church of England as established at Hampton Court.²⁸ Sir Francis Hastings and Sir Edward Montagu no doubt shared this puritan unease and felt the time was ripe to bring to the king's attention the deplorable way in which the godly clergy were being treated while the Catholics appeared to be moving towards achieving a full toleration. Finally, there was the inexplicable presence of three peers, two of whom were acknowledged Catholics and the third, Petre, suspected of Catholicism (despite his denials), at the ceremony for the prorogation of parliament, on 7 February 1605.²⁹ While there was no reason why Catholic peers should not take their seats in parliament, it might have appeared to those of tender conscience that the Catholics intended to exploit the parliamentary process and use the prorogation of parliament as an occasion to further their interests. The zealous Calvinists, led by the principal members of the parliamentary religious committees, were not going to risk losing the initiative at this critical stage. It was certainly a further incentive for Sir Francis's rather daring and ill-advised involvement with the Northamptonshire petitioners.

IV

The content of the petition does not give any indication of why so much significance was attached to it and the reasons for it prompting such a vehement response from James and his council.³⁰ It followed the line taken by previous petitioners of emphasizing their loyalty and humility, and then drawing to James's attention the sorrow and anguish of his subjects who were faced with losing their ministers, in whose charge they had been for very many years. Even in suggesting that large numbers were apprehensive at the outcome of the deprivations, the Northamptonshire gentlemen were not making claims which had not been made before. After all, it was an accepted tactic that in order to make a point more compelling support for it might be exaggerated, especially given that the council had stressed that the puritans were few in number; though there was a danger that they could lay themselves open to accusations of sedition. That this particular petition laboured the point that the numbers of dissatisfied subjects ran into the thousands could be perceived as imprudent, yet it was not in itself sufficient cause to provoke the response from James which it did. For, the next day, Sunday 10 February, James spent eight

²⁸ PRO, SP14/12/66; the lord keeper referred to the petitioners' claims that the High Commission had no warrant by law. W. P. Baildon, *Les reportes del cases in Camera Stellata, 1593-1609*, ed. John Hawarde (London, 1894), pp. 186-92.

²⁹ *Journals of the House of Lords* (69 vols., London, 1846), II, p. 350.

³⁰ PRO, SP14/12/69i. Also printed in Cross, *Hastings letters*, pp. 88-9.

hours with his council, during which time he declared that 'he would hazarde his crowne but he would supresse those maliciouse spirittes'. The privy council met again on the Monday and Tuesday, when they examined Sir Francis Hastings at length, with the king present at some point at least, on both days.³¹ However, the fact that the proceedings of the first day do not appear to have been recorded suggests that the matters under discussion were of such a sensitive nature that even the clerks of the council were excluded. It was possibly then that Sir Francis confronted James with his fears about the way in which he was handling the Catholics and that was what finally galvanized James, for he initiated immediate and sweeping action over the following few days.

Beginning on 13 February, Lord Keeper Egerton delivered his pre-circuit speech to the assize judges in Star Chamber, confirming that action against 'schismatics' would continue. He then relayed James's vehement denials that he was preparing to tolerate Catholicism and exhorted them rather to increase their diligence regarding all recusants. So far this was a straightforward and routine Elizabethan reaction, but the day after council sent further instructions to the commissioners who had recently been appointed to govern the Borders, as to the execution of the commission. In particular it stressed that close attention be paid to the problems of feuding, fighting, and outlaws, emphasizing the security-led motives for the initiative in a potentially troublesome region. The following Monday, just over a week after the Northamptonshire petition had been presented, James wrote to the archbishop of York and the president of the council in the north assuring them that he meant to maintain the church as he found it, despite the hopes of the Catholics. Meanwhile, on 11 February, he wrote to his council in Scotland, urging them to ensure that

justice in all degreis may be ministred with greatair honnour and integritie, the executioun thair of go fordwart with greater severitie, and generallie that oure autoritie may be now so muche the moir reverenced amang you as oure pouer is greatair to repres the insolence of the most laules misdoar and headstrong oppressour.³²

Thus James showed how he recognized the value of the practices he had inherited and demonstrated his willingness to continue their application. However, even if many of the administrative initiatives adopted in February 1605 were in the pipeline anyway, James was able to extend their effectiveness

³¹ A letter from an unnamed friend to John Jegon, bishop of Norwich, from London, 14 Feb. 1605: T. F. Barton, ed., *The Registrum Vagum of Anthony Harrison* (2 vols., Norfolk Record Society, 32, 1963), 1, pp. 155–6; Jo Co [John Colville] to Thomas Wilson [servant of Cecil], 11 Feb. 1605: HMC, *Salisbury MSS*, xvii, p. 52; the examination of Sir Francis Hastings before the council, 12 Feb. 1605: PRO, SP14/12/74.

³² Baildon, *Camera Stellata*, pp. 186–92; British Library (BL), Add. MSS 11, 402 fo. 97v.; HMC, *Tenth Report*, Appx. 4, *Lord Muncaster's MSS*, p. 229; PRO, SP14/12/87; PRO, SP14/12/88. For the full text of the king to the archbishop of York and to Lord Sheffield, 18 Feb. 1605, see J. Raine, ed., *The correspondence of Dr. Matthew Hutton, archbishop of York* (Surtees Society Publications, 1843), pp. 171–5, misdated 19 Feb. 1605; David Masson, ed., *Register of the privy council of Scotland* (14 vols., Edinburgh, 1877–98), vii, pp. 465–6.

by employing them more widely than his predecessor had been able. It was this factor which made this a Jacobean rather than an Elizabethan response.

The reaction to what was no more than a fairly routine petition on behalf of a number of ministers threatened with deprivation was remarkable, and would suggest that it was not merely the content of the petition which provoked the repercussions but also the manner of its presentation. Of course, any intercourse between the king and Sir Francis can only be a matter of speculation but James's extraordinary reaction makes it reasonable to assume that he was very shaken by what had been said to him, for plainly he was anxious quickly to explain himself to his English subjects. From the tenor of the speeches and letters which issued forth it is clear that James had been informed that the Catholics were expecting a toleration, which impression was receiving widespread credibility. An account of James's meeting with his council the following day described his fervent tirades against both the puritans and the Catholics.³³ Apparently, 'my Lord Chancellor delivered his speach with teares', adding that he wished his audience could have heard James for themselves, as he 'most bitterly inveyed against the puritans', and remarked upon the way in which the revolutions in both Scotland and the Low Counties had begun with petitions of a religious nature. He went on to declare that 'his mother and he from their cradles had bene haunted with a puritan divell, which he feared would not leave him to his grave'. However, he reserved his most effusive outburst for the Catholics, 'protesting his utter detestation of their superstitious religion and that he was so far from favoring it as if he thought his sonne and heyre after him would give any tolleration therunto, he would wish him fairely buried before his eyes'.³⁴ It was an uncompromising – exaggerated, even – expression of James's sentiments towards both religious wings, condemning the extremes of each, and especially castigating the Catholics for their presumption. There was nothing new in James's efforts to distance himself from association with immoderate views (of any sort) through impassioned condemnation, and although such outbursts may have appeared excessive, and even slightly ridiculous, they were none the less extremely effective.³⁵

On this occasion James's claims were so extravagant that they arouse suspicions that he might have been harbouring a secret agenda. He lost very little time in charging his council to effect the means for a thorough execution of the laws against all religious extremists thus turning what appeared to be a threatening situation to his own advantage, using it to justify reinforcing his

³³ Barton, ed. *Registrum Vagum*, 1, pp. 155–6.

³⁴ N. E. MacClure, ed., *The letters of John Chamberlain* (2 vols., Philadelphia, 1939), 1, p. 203.

³⁵ For example, in the late 1580s he produced two meditations condemning the Catholics and the puritans respectively. See James Montagu, ed., *The workes of the most high and mightie prince, James, by the grace of God, king of Great Britaine, France and Ireland, Defender of the Faith, &c.* (London, 1616), pp. 73–80, 81–8. They appear in A. W. Pollard and G. R. Redgrave, eds, *A short title catalogue of books printed in England, Scotland and Ireland* (2nd edn), as 'Ane fruitfull meditation' (etc.) [Revelations, 20: 7–10], 1588, *STC* 14376, and in English, *STC* 14377, and 'Ane meditation upon the ... first buke of the chronicles of the kingis, [20: 25–9], 1589, *STC* 14380.

authority in the localities. Within less than a week James had translated his initial dismay into positive action as the results of an unusually long council meeting were dispatched to all parts of the country. Indeed, even as he was indulging in condemning the puritans and indignantly denying that he endorsed popery, his mind was bent on the ways and means to tighten up security by invigorating local government.

The outcome of James's meetings with his council were given public expression by Egerton in Star Chamber, on 13 February, who began by roundly criticizing the JPs who 'forgette there oathe to god, there dutye to there kinge & Countrie', by their neglect of such matters as the proper regulation of alehouses and the maintenance of the highways. These were customary areas which attracted reproach, but they were crucial aspects in the preservation of order and peace, and, by extension, security. In order to guarantee the necessary levels of vigilance from them, Egerton urged the judges to demand improved standards from the JPs with regard to the 'Care of the peace of the lande & of the peace of the Churche'. He went on to identify the chief threats to the internal security of the realm: anyone who declared that the deprivation of the nonconforming ministers was illegal; those who petitioned the king on their behalf; and those who questioned the legality of the high commission. He stoutly defended the crown's prerogative to issue high commissions, justifying its authority by reference to the king's ancient powers which predated either common or statute law. He reserved his severest admonishment for the petitioners who were spreading rumours that the king intended a toleration of the Catholics and the abatement of the laws against them. Vehemently denying that the king intended any such thing he fervently defended his record in 'plantinge & settlinge true relligion.' He asserted that the king had declared that he was prepared to lay down his life for the religion in which he was born and, denying any suspicions that he meant the Roman Catholic church of his mother, he swore that he would disinherit his son if he should embrace Catholicism. (It was crucial that James emphatically depress Catholic hopes from Mary, Queen of Scots's heir, especially when he had associated himself with her regarding the puritans in his speech to council on Sunday.) Egerton delivered his speech emotionally, wringing from it as much dramatic impact as he could, endeavouring to use any expedient necessary to get across the seriousness of the situation and the necessity for extra diligence from the judges and the JPs.

As well as adopting theatrical attitudes, Egerton also sought to establish a substantial legal footing for his proposals to the judges. Following his speech in the Star Chamber – which, at the command of the king, was attended by a large proportion of the council, as well as the judges – he applied to the judges for their opinion on three issues.³⁶ That the king felt it necessary to demand the presence of his chief privy councillors at this assembly suggested that matters of extreme importance were to be addressed, which he wished them to witness.

³⁶ PRO, SP14/12/73.

The first question, about the legality of deprivations, was deemed by all the judges to be lawful 'because the king hath the supreme Ecclesiasticall power, which he hath delegated to the Commissioners whereby they had the power of deprivation by the Canon law of the realme'. They went on to affirm that this power of appointment was confirmed in a statute of 1559, which did not confer any new power but rather explained and declared the ancient power. Furthermore, 'they held it clear that the king without Parliament might make orders and constitutions for the Government of the Clergie, and might deprive them if they obeyed not'. By this, several points were established. Not only was the king unambiguously supported in his powers to deprive disobedient ministers, or else to nominate others to do so in his name, the status of parliament in the management of the church was also clearly defined. Next, the judges gave their ruling about the legal question of prohibitions. Finally, they addressed the third point by identifying the steps that could be taken against petitioners who threatened the king with thousands of discontented subjects if he denied their suit. They were unanimous in their assertion that such an offence was 'fineable at discretion, and very near to treason and felony in the punishment. For they tended to the raising of sedition, Rebellion and discontent among the people.' Moreover, spreading rumours that the king intended to grant a toleration to the Catholics was 'heinously fineable by the Rule of the Common law either in the Kings Bench or by the King and his Councell; or now since the statute of 3.H.7. in the Star Chamber'.

V

This episode demonstrates the way James employed his judges to the full in both their legal and administrative capacities – thereby confirming his perception of them as both directors and executors of the law. He had already indicated the significance he attached to his judges when he asked them to identify those penal laws which 'are fitt to be carefully executed for the good of the state' as part of a drive for more efficient administrative practices at the end of the previous November.³⁷ Their response then had cleared the way for a concerted effort in the pursuit of increased effectiveness in local administration. In the aftermath of the 'crisis' generated by his encounters with Sir Francis Hastings and the Northamptonshire petitioners, James had an opportunity to demand the enforcement of their findings. By this very rapid response to potential danger the king eloquently demonstrated the way in which he could react coolly and effectively under extreme pressure. He quickly formulated a clear plan of action whereby he initially sought the facts of the matter in an exceptionally long conference with his council. He followed through by establishing the legal basis of his position and then had his findings transmitted to those agents who could translate the outcome right into the heart of the country. All of which was accomplished in a remarkably short space of time.

³⁷ PRO, SP14/10A/6; PRO, SP14/10A/42; PRO, SP14/12/24; BL Lansdowne MSS 168, fols. 344r–5v.

To Sir Francis's surprise the outcome of his confrontation with the king was not the wholesale persecution of the Catholics for which he had hoped. Moreover, he found *himself* the subject of James's rancour as the council banished him to his country house and stripped him of his public offices. Initially, James had been very shocked by his meeting with Sir Francis and dismayed that matters had reached such a pitch. The interview with Sir Francis had seemed to confirm his worst fears: that the puritans represented an alarming threat to his and the realm's safety and, more worrying yet, that they had very powerful friends and relations at both the court and in the capital. But, although he soon recognized that this had been exaggerated, and treated Sir Edward Montagu and Sir Valentine Knightley relatively leniently, James continued to nurse a resentment against Sir Francis. The most obvious reason was that Sir Francis, a very senior member of parliament, had deliberately challenged his intention not to meet with parliament until the new canons had been peaceably received in the countryside. He had made it clear that he did not expect to be further importuned on behalf of any party who would not accept their introduction. Sir Francis had further compounded his contempt by choosing to become involved in the affairs of a county which did not strictly concern him, thereby negating any claims to spontaneity (although it did give the council grounds for nailing him). While James was perfectly prepared to engage with those who felt they had a genuine grievance, such as the divines led by Arthur Hildesham with whom he had debated at Hinchbrook the previous December,³⁸ Sir Francis was clearly adopting the cause of the Northamptonshire gentlemen for his own purposes. James was no fool and he recognized opportunism when he saw it. But, though he might resent it, it was not sufficient cause for James's continued animosity towards Sir Francis. Even if Sir Francis had been tempted to add weight to his case by referring to the dissatisfaction of the Scots, thereby presuming to instruct James in his handling of the Scottish kirk, he might initially have felt piqued, but he was not given to holding grudges. There had to be another motive for James's continued annoyance.

What had specifically antagonized James was the frustration of his attempts, made on the advice of Cecil, to distance himself from the clamour of those who were struggling to persuade him to revise his declared intention to achieve a broad-based church, free from the most extreme influences.³⁹ In his eyes, Sir Francis's ill-judged interruption of his brief return to the capital for the prorogation of parliament demonstrated a lamentable lack of discretion. Not only did it threaten to prejudice James's chances of moderate dealing with the English Catholics, it also jeopardized his relations with Catholic powers on the continent. In particular, James was endeavouring to exploit the machinations of the Spanish king on behalf of the Catholics in England in his best interests

³⁸ Edmund Lodge, ed., *Illustrations of British history, biography and manners in the reign of Henry VIII, Edward VI, Mary, Elizabeth and James I* (3 vols., London, 1791), III, p. 266: earl of Worcester to Cecil, 2 Feb. 1605.

³⁹ Cecil to Sir Thomas Lake, 24 Jan. 1605: PRO, SP14/12/28.

– which he confidently expected to accomplish as long as his room for manoeuvre was not endangered by the exposure of the covert activities of the Spanish, and his inclination to collude with them.⁴⁰ Not only had Sir Francis forced the issue into the open, leaving the king obliged to declare his position rather more explicitly than he would have preferred, but not the least of James's grievances was the loss of the healthy financial injection into the exchequer promised by the Spanish. Nor was the king alone in having a carefully constructed stratagem disrupted by Sir Francis's apparent recklessness. The earl of Northampton had been quietly working, at intervals from the 1570s, to obtain for all but the most radical Catholics an opportunity to practise their religion with discretion and without attracting the wrath of the state. With the accession of a monarch who appeared to share his belief that the English church could embrace the more moderate elements of every religious persuasion, his hopes were high, and he looked forward to an improvement in the fortunes of the less radical English Catholics.⁴¹ Sir Francis's highly charged meeting with James had very probably demolished all of Northampton's most immediate expectations of seeing his ambitions achieved. His inflexible position at Sir Francis's examination before the council certainly suggests as much. He, more than anyone, laboured the point that the petitioners were acting in a particularly provocative way by stirring up, and invoking as potential signatories, such large numbers of those allegedly discontented at the king's policies.

With no material evidence, the first day's proceedings against Sir Francis can only be a matter for speculation. However, given the nature of the second day's business – its concern with pinning enough on Sir Francis to condemn him, and the way in which any firm support he might have expected did not materialize – it is reasonable to assume that the council had dealt with matters of the utmost sensitivity on the previous day. This would imply that the council were acting upon the king's express orders to discipline Sir Francis for some less highly charged offence which was safe to become public knowledge. In other words, Sir Francis's examination was in the light of disclosures made to James when he was presented with the petition which initially greatly dismayed him. Sir Francis's continued defiance on the second day would suggest that he felt that he had done his duty in advising his sovereign in the same way as the third earl would have with Elizabeth. Moreover, he had confounded his accusers and was priding himself on his steadfast and unwavering stance.⁴² Although the majority of his examiners appeared to be well disposed towards him, Sir

⁴⁰ See A. J. Loomie, ed., *Spain and the Jacobean Catholics*, vol. 1: 1603–1612 (Catholic Record Society, 1973), pp. 48–63.

⁴¹ For example, see, Archivo General de Simancas: Sección de Estado, Legajo 841, fo. 184: decipher of a report of a privy council meeting, 14 Sept. 1604 (cited by Loomie in 'Toleration and diplomacy' pp. 55–6). Northampton made the point that the situation had changed since Queen Elizabeth's reign in that she was illegitimate, excommunicated by the pope and had acted viciously against the Catholics. None of these was applicable to James who could confidently expect obedience and loyalty from his Catholic subjects.

⁴² PRO, SP14/12/74, also printed in Cross, *Hastings letters*, pp. 90–2.

Francis continued to hold rigidly to his conviction that the Catholics posed the greater threat to the security of the realm and that it was they, and not the deprived ministers, who should be the targets of distrust and the royal displeasure. Nor did he hesitate to repeat his view, even though his determination to malign the Catholics provoked Northampton's hostility. He maintained that the liberty to petition the king was an incontrovertible right which he insisted must not be relinquished. Though such petitioning might appear to go against the king's wishes and his intransigence was alienating the council, as the 'moral' heir of the third earl of Huntingdon, Sir Francis felt he was duty-bound to reveal to the king the extent to which he was being deluded by the Catholics.

Sir Francis campaigned tirelessly to recover his lost offices, but, unlike the other petitioners, who soon regained royal favour, he was never to retrieve his position. Sir Edward Montagu, who was every bit as stiff-necked as Sir Francis, was rebuked by his mother and persuaded by his brother to apologize (after his own fashion) to the king, despite his declared reluctance to do so. There was no one to convince Sir Francis of the wisdom of acknowledging his imprudence.⁴³ But the reason for James's continued displeasure with Sir Francis was that he had challenged his competence to handle the Catholic issue. His offence was made worse by his connections and, more importantly, because of his own influence – as a senior member of parliament, and prominent spokesman on religious affairs, as well as being a leading member of the various religious committees. Thus Sir Francis Hastings, with no real support and yet still a very significant figure, became an effective and useful scapegoat for the whole affair.

Merely bringing the degree of concern felt by his more extreme subjects to the attention of James did not signify an end to the round of claims and counter-claims of impending disaster and incidents of seditious activity. They continued to be forthcoming from representatives of all religious persuasions. Even in Northampton, rumours continued to abound. For example, John Lambe reported on a rumour of an intended massacre of puritans by the perfidious Catholics to Richard Neile, later bishop of Rochester, for transmission to Cecil. Lambe refused to be alarmed, however, regarding it as nothing more than a device by the puritans to recover their position following the censure they had attracted for their own disobedience.⁴⁴ Despite the king's vehement denials, it was still rumoured in the localities that he intended a toleration of the Catholics. There were concerns about the Catholics at every level, with the bishop of Hereford pleading with Cecil for an ecclesiastical commission to deal with 'this froward generation of popish recusants and priests, wherewith this country is too much pestered'.⁴⁵ Meanwhile, James was subject to appeals from Scotland. For example, the synod of Aberdeen continued to importune the king for his support against the Catholic earl of Huntly while endeavouring to preserve the state of religion as James had left

⁴³ HMC, *Montagu of Beaulieu MSS*, pp. 45–7; HMC, *Salisbury MSS*, xvii, p. 218; HMC, *Buccleuch and Queensberry*, I, p. 237; HMC, *Montagu of Beaulieu MSS*, p. 46; HMC, *Salisbury MSS*, xvii, p. 72.

⁴⁴ PRO, SP14/12/96.

⁴⁵ HMC, *Salisbury MSS*, xvii, pp. 113–14, 93.

it.⁴⁶ Efforts on behalf of the nonconforming ministers continued, too, alongside resistance to the canons of 1604. Within a short time, in Berkshire, there were reports that a church had been broken into and the communion book and the newly published ecclesiastical canons mutilated.⁴⁷ The radical puritan vicar of All Saints in Northampton, Robert Catelin, persisted in his defiant resistance to the imposition of conformity.⁴⁸ The petitioning did not stop altogether, either. Although, with the recent pronouncement by the judges that petitioners who combined to importune the king were guilty of near-treason, petitions were now more likely to come from individuals.

But, while resistance and rumours continued, James no longer regarded them as symptomatic of threatened insurrection as he had when Sir Francis Hastings had bearded him on 9 February. He had been on a steep learning curve during which he had demonstrated his ability to grasp quickly the implications of the events which had culminated in the presentation of the Northamptonshire petition. Reassured that it was less threatening to his authority than he had at first thought, he had taken the opportunity to take firm and decisive action. For the moment king and council were committed to dealing with the whole range of outstanding grievances by means of a thorough tightening up of local government. Increased security of the realm was recognized to be best achieved by tackling problems at their roots – in the localities where dissension originated. James had begun by reiterating his demands made in the first year of his English reign for improved standards of performance at every level of government from the centre, through the agency of his assize judges, to the JPs, and down to the parish constables in the localities.⁴⁹ It was a process which was to continue at regular intervals throughout James's reign. Once the underlying tensions in the religious arena – which had not been immediately obvious to him – were brought to his attention James demonstrated that he was more than equal to the task of ruling England. His firm response resulted in religious conflict subsiding remarkably quickly. In particular, the number of ministers sentenced to deprivation of their livings in the first half of 1605 was more than double the total deprived from 1606 onwards.⁵⁰ The consternation expressed in the petitioning campaign in the winter of 1604–5 was thus very short-lived, but, while it lasted, it prompted a determined drive for increased efficiency in domestic government. Religion as a contentious issue was not to resurface until continental factors obtruded in the last years of James I's reign.

⁴⁶ John Forbes, *Certain records touching the state of the kirk in the years M.D.C.V. & M.D.C.VI* (Wodrow Society, Edinburgh, 1846). ⁴⁷ HMC, *Salisbury MSS*, xvii, pp. 76–7, 73.

⁴⁸ PRO, SP14/12/96; for Robert Catelin's career see, Sheils, *Peterborough puritans*, pp. 100, 75–6, 73, 81.

⁴⁹ Egerton's speech to the judges in Star Chamber, c. 14 Feb. 1604: MSS of the Inner Temple, Petyt MSS 538, 51, fo. 262.

⁵⁰ Kenneth Fincham, *Prelate as pastor: the episcopate of James I* (Oxford, 1990), pp. 323–6.